

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 HERMAN R. CANTRELL,

4 Plaintiff

Case No. 3:19-cv-00698-MMD-CLB

5 v.

6 ISIDRO BACA, *et al.*,

7 Defendants

ORDER

8  
9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections,  
11 has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an  
12 application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28  
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete a fully signed  
15 application to proceed *in forma pauperis* and attach both an inmate account statement  
16 for the past six months and a properly executed financial certificate. Plaintiff has not  
17 submitted a signature on the acknowledgment portion on page 3 of the application to  
18 proceed in forma pauperis. (See ECF No. 1). As such, the *in forma pauperis* application  
19 is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No.  
20 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff  
21 will be granted an opportunity to cure the deficiencies of his application to proceed *in*  
22 *forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff  
23 chooses to file a new application to proceed *in forma pauperis* he must file a fully complete  
24 application to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
27 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

28 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the


1 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
2 document entitled information and instructions for filing an *in forma pauperis* application.

3 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
4 Plaintiff will either: (1) file a fully signed and complete application to proceed *in forma*  
5 *pauperis*, on the correct form with complete financial attachments in compliance with 28  
6 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the  
7 \$350 filing fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
9 dismissal of this action may result.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
11 (ECF No. 1-1), but will not file it at this time.

12 DATED: December 9, 2019.

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14 UNITED STATES MAGISTRATE JUDGE  
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